

RULINGS OF LONE JIHAD

Targeting Civilians

Praise be to Allah, the Lord of the world, and may the blessings of Allah be upon the Noblest of the Prophets and Messengers, our Prophet Muhammad (SAW), his family and companions.

To Proceed:

Muslim chests are soothed and healed in such times where he sees the increase in Lone Jihadi operations in Western Countries; in America, Britain, France etc. thus encouraging more and more Lone Jihad heroes to execute similar operations. We therefore stand side by side with these heroes with all our heart, supporting and endorsing such operations which are upon the correct legitimate path of shariah, and realize the interests of the Ummah. So it is their right, bind upon us, to continue inspiring them, encouraging them and paving the way for them; as they are our striking hand in the West which we rely upon, after Allah, to avenge our oppressed brothers.

I therefore saw that I am obliged to clearly clarify, based upon shariah, the rulings of Lone Jihad in the West. So as for the Lone Mujahid to advance towards this path with clear insight and guidance and not to allow ignorance to sway him from the right path or prevent him to embark upon the correct path or deny him from a lot good and benefit. For example, a Lone Mujahid might fear to perform a Jihad operation in fear of falling into sin or embarrassment -when there is none, but rather reward, recompense and having overall benefit to Muslims' interests. I ask Allah to assist and guide me ...I will begin by talking about civilians and the rules in dealing with them.

FIRSTLY

In Jihad, the rulings with regards to blood are acquired from the Quran, Sunna, ijmaa (Scholars' consensus) and qiyaas (Juristic reasoning). Such rulings cannot be referred from traditional, international laws or what is seen as being common among people and convenient to their desires and liking. So whatever ruling that has been placed by the Islamic Shariah is what he is obliged to refer to, even if it might go against customs, traditions, or not accepted by weak individuals and corrupted hearts, distorted or even blamed by the blamers,

Allah says *{(And) if you differ in anything amongst yourselves refer it to Allah and his Messenger- May peace be upon him- if you believed in Allah and in the last Day. That is better and more suitable for final determination.}.(4: 59)*

He the Al-Mighty also said, *{But no, by your Lord, they can have no Faith, until they make you (O Mohammad- May peace be upon him) judge in all disputes between them, and find in themselves*

no resistance against your decisions, and accept (them) with full submission}.(4:65).

This submission, compliance and the absence of resistance in one's self is itself a sign and condition of faith.

SECONDLY

We have to understand that placing the term 'civilians' opposite to military and then basing a sharia ruling upon it, is something new and not based upon the Quran, Sunna, ijmaa or qiyaas. The terms have been differentiated by **the international laws which contradict the Sharia laws and of which we have been ordered to disbelieve in (the international laws) rather than making judgement based upon its rules**. The term civilians emerged in this new era through the international order and its laws. Therefore, we will find this term, in its current meaning, in Shariah books and writings of Jihad of the salaf. Such that it becomes obligatory for us to refer back to the terminology ordained by sharia and the rulings built upon it.

THIRDLY

As to the shariah terminology that came in the books of fiqh, show the categorization of disbelievers and the rulings connected to them, they are as follow:

Concerning Jihad and the rulings of blood and money, the sharia as mentioned in the Islamic books of fiqh divided the disbelievers into four categories:

► First Category

A disbeliever who has a covenant with the Muslims: They have a peace covenant of ceasing fight with Muslims. Since they are committed to the covenant, Sharia prohibits their bloods and money to be subject to any kind of targeting.

► Second Category

Dhimmy: Dhimmy, is a Non-Muslim who lives under the rule and protection of Islam. They pay Jizyah to the Muslims. Since those are complying to the terms of their protection and pay Jizyah, Sharia also prohibits their blood and money to be subject to any kind of aggression.

► Third Category

Protected Non-Muslims: Every disbeliever who has entered into Muslim land without intending to reside there, and given protection to his self and money by any single Muslim. Since he did not revoke his immunity or escorted to where he can be secure, Sharia also prohibits his blood and money to be subject to any kind of aggression.

► Fourth Category

And this is the important one which we intend to talk about.

The Combatant Disbelievers: These are those with whom have no covenant or commitment of protection with Muslims. They are those who are not included in the later categories; whether they fought against Muslims or not. The term combatant is inseparable with them. Here emerges the confusion of thinking that the combatant is the one who fights the Muslims and raise weapons against them. This is not right by the consensus of all the scholars. What is correct, is that it is permissible for Muslims to fight those disbelievers whenever they want.

And this base of our dealing with the infidels. They are basically considered as combatant infidels unless there is a peace treaty or a protection commitment between them and Muslims. By the consensus of scholars, offensive Jihad against the infidels and initiating a fight with them wherever they are, is based upon those to whom the call of Islam has reached them, even if they were peaceful to Muslims and did not start the fight. **So how can it be for the infidels who raise their weapons against Muslims and occupying their land ... indeed there will be no doubt that fighting them becomes a priority.**

On the other hand, defensive Jihad against the infidels is built upon pushing back the infidel fighters who have initiated the fighting and attack against the Muslims. This is the difference between the two meanings of jihad.

The legitimate ruling on the combatant infidels, whether they are fighting Muslims or not, from Quran and Sunna, and upon the righteous caliphs and the predecessors after them, is that the combatants should be killed and their women and children will be taken captive and their money and property as war booty. The infidels land become permissible to those who invade it. And there is no protection for them except by a covenant, agreement, safety or protection.

Allah the Almighty say *{And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.}*

And say *{And fight against the disbelievers collectively as they fight against you collectively." And say "And kill them wherever you overtake them and expel them from wherever they have expelled you}*

Imam Bukhari and Muslim narrated that The Messenger of Allah - may peace be and blessings of Allah be upon him- raided **Banü Al-Mustaliq** when they were unaware, and their cattle were drinking water. He killed their warriors and took their women and children captive.

When **Bani Quraidhah** revoked the covenant they became combatant infidels. Imam Bukhari and Muslim narrated that **Bani Quraidhah** surrendered and called for the arbitration of Sa'd bin Mu'âdh. The Messenger of Allah sent for Sa'd, who came to him riding a donkey and when he drew close to the Masjid, the Messenger of Allah said to the Ansâr: "Stand up for your leader" - or the best of you. Then he said: "These people have surrendered, and are subject to your arbitration." Sa'd said: **You should kill their warriors and take their women and children captive.**

The Prophet said: "You have judged in accordance with the ruling of Allah." Or he said: "with the ruling of the Sovereign (Allah)."

It was narrated from Anas bin Mâlik that the Messenger of Allah launched a campaign against Khaibar. When he entered the town, he said: 'Allâhu-Akbar! Khaibar is destroyed! Then, when we descend in their courtyard (i.e. near to them), evil will be the morning for those who had been warned! The people had come out to their work and they said: '**Muhammad! and the army!**'. The Messenger of Allah- may peace be upon him- seized Khaibar by force. He killed the warriors and took the women and children captives.

There are many examples concerning this issue in the history of the righteous caliphs and the history of Muslims after them. We will find the books mentioning how the Muslims did, when they conquered a place or a fort and how they dealt with the fighters - by killing them, taking women and children as captive and money and property as war booty and dividing it. For example, in the book of The Beginning and End, it is mentioned that Omar Bin Khattab sent a group of soldiers led by Salama Bin Qais. He advised him to raid in the Name of Allah, for the sake of Allah and to fight those who disbelieve in Allah. They marched, found a gathering of idolaters, and call them to Islam by offering them to accept one of three options or fighting them. The idolaters refused to respond to any and the Muslims fought them, killing the warriors, taking women and children captives and their money as booty.

In the book of Sharh Al- Qadeer, bin Humam say: " The land of war has no inviolability or immunity (it is vulnerable to Muslims raids and invasion). He also said "It is a duty to fight the infidels who refused to be Muslims or pay Jiziah, even if they did not start the fight with us, because it does not require them to start the fight."

Al-zailaee in his book Tabyeen Alhaqaiq says: (initially, Jihad is a collective duty). This mean that it is a duty upon us to start the fight against them, even if they did not fight us, as Allah says *{And fight against the disbelievers collectively as they fight against you collectively} and says { Fight those who do not believe in Allah or in the Last Day} and says {March forth, whether you are light(being healthy, young and wealthy) or heavy(being ill, old and poor) and strive hard with your wealth and your lives in the cause of Allah}*

Imam Shawkani says: "infidel blood in its essence is permissible - as indicated in the verse of the sword, how about if they set-up war and Muslims detained a spy ore one of them, then it is permissible for the Imam to kill them as the messenger of Allah killed some captives who were detained in the battle of Badr, and as he did with the captives of **Banu Quraizah**. Allah the Almighty says *{ It is not for a Prophet that he should have prisoners of war(and free them with ransom) until he had made a great slaughter(among his enemies) in the land}*. This is the ruling upon them when the fight started, and if some fighters are detained, the imam has the option to kill them, release them, free them with ransom and enslave them according to the Muslims interest.

This proves that the combatant infidels are divided into combatants, whom it is permissible to kill them, and non-combatants of which the ruling on them will come in details later on. As for the combatants, they are every single male, adult, mindful and able to fight but irrespective of whether he fought or not. The jurisprudent calls the combatants - fighters - because they are qualified to fight even if they didn't fight. For fighting is not restricted only by military personnel who hold weapons and fight. Its meaning is broader, including all the adult men who are able to fight even if they did not fight except those excluded themselves from them. These are rulings we derived from the acts of the prophet- may peace be upon him- and the scholars interpretations. As we have previously said that Sa'd bin Mu'adh- may Allah be pleased with him- arbitrated in **Bani Quraiza** -when they revoked the covenant and became combatant fighters- that all warriors should be killed. They were many and not all of them were holding weapons and participated in the fight. The distinction between those fighting and those not participated in the fight be by looking at the young whether they are mature or not. If they are, they will be joined with the fighters, and if not, will be classified as not fighters.

It was narrated that from Atiyya Al-qurazi: he said that he was among those who had been taken captive from Banu Quraiza and that they were looking at our pubic hair and who's hair had grown would be killed and who had no pubic hair would not be killed and I was among those who had no pubic hair.

BY SHAIKH HAMMED AL-TAMEEM: Taken From The INSPIRE Magazine Issue #16